

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BANK OF AMERICA, NATIONAL ASSOCIATION, and
BANC OF AMERICA SECURITIES LLC,

Plaintiffs,

- against -

BEAR STEARNS ASSET MANAGEMENT INC.,
RALPH CIOFFI, MATTHEW TANNIN, and
RAYMOND McGARRIGAL,

Defendants.

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08-CV-09265 (PAC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Marjorie E. Sheldon, dated January 16, 2009, the exhibits annexed thereto, and the accompanying Memorandum of Law, defendant Bear Stearns Asset Management Inc. will move this Court, before the Honorable Paul A. Crotty, at the United States Court House, 500 Pearl Street, New York, New York 10007, at a date and time to be set by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), dismissing the claims asserted against it in the above-captioned action and granting such other relief as the Court deems just and proper.

Dated: New York, New York
January 16, 2009

Kramer Levin Naftalis & Frankel LLP

By: /s/ Barry H. Berke

Barry H. Berke

Eric A. Tirschwell

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Marjorie E. Sheldon

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